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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 STAVROULAS PISTIOLAS,

No. CIV. S-03-1755-MCE-PAN

12 Plaintiff,

13 v.

**ORDER**

14 JO ANNE B. BARNHART,  
15 Commissioner of Social  
Security,

16 Defendant.  
17 \_\_\_\_\_/

18 This matter is before the court on plaintiff's motion for  
19 judgment and defendant's cross-motion for judgment. These motions  
20 were referred to the Honorable Peter A. Nowinski, United States  
21 Magistrate Judge, pursuant to 28 U.S.C. §§ 636, et seq., and Local  
22 Rule 72-302. On May 12, 2005, Judge Nowinski filed findings and  
23 recommendation which were served on all parties and objections were  
24 to be filed within ten days after service. Neither party has filed  
25 objections to the findings and recommendation.


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1 The court has reviewed the file and finds the findings  
2 and recommendation to be supported by the record and by the  
3 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED  
4 that:

5 1. The Findings and Recommendation filed May 12, 2005, are  
6 adopted in full; and

7 2. The decision denying benefits is reversed and remanded for  
8 further proceedings.

9 DATE: June 7, 2005

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12 MORRISON C. ENGLAND, JR.  
13 UNITED STATES DISTRICT JUDGE  
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